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C O N F I D E N T I A L SECTION 01 OF 03 TBILISI 001714

SIPDIS

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TAGS: PREL PGOV MOPS RS GG

SUBJECT: GEORGIA: FREEDOM OF MOVEMENT AND SHIP SEIZURES  
DISCUSSED AT INCIDENT PREVENTION MECHANISMS

REF: A. TBIILSI 1653

- 1B. TBILISI 1409
- 1C. TBIILSI 1312
- 1D. TBILISI 1161
- 1E. TBILISI 1045
- 1F. TBILISI 0808
- 1G. GENEVA 0183

Classified By: CHARGE D'AFFAIRES A.I. KENT LOGSDON FOR REASONS 1.4 (b)  
AND (d).

11. (C) Summary and comment. The latest round of the incident prevention and response mechanism (IPRM) meetings took place on September 3 in Ergneti for the South Ossetian side and September 8 in Gali for the Abkhaz side. The atmosphere during the South Ossetian IPRM was tense and a considerable amount of time was spent on non-substantive issues. However, the EUMM noted that the South Ossetians did make more of an attempt than they had previously to discuss substantive matters. The main topics raised in the meeting were the South Ossetian objections to the presence of the OSCE, the use of the word "border" versus "boundary", facilitation of an administrative boundary line crossing regime, the status of missing persons cases, and EUMM access to religious sites.

While the atmosphere in the Abkhaz IPRM was less tense than the South Ossetian IPRM, and could even be considered polite, EUMM reported that neither side was very interested in being there and these meetings are becoming more routine and less substantive. The major topics discussed were facilitation of movement across the boundary, ship seizures and security incidents. While no real progress was made at either of these meetings, the mechanisms did meet as scheduled and serious issues were raised, if not resolved. The continuation of the IPRMs is an essential mechanism for promoting stability in the region through practical discussions of the situation on the ground. End summary and comment.

SEPTEMBER 3 SOUTH OSSETIA IPRM

12. (C) EUMM and OSCE sources indicate the September 3 meeting in Ergneti did not go as well as the previous session (ref A), and that the atmosphere was very tense, although EUMM Head of Mission Hansjoerg Haber thought that all sides were beginning to see value in periodic meetings. All five participants were represented, including the EU Monitoring Mission (EUMM), Georgia, Russia, South Ossetian de facto authorities, and the OSCE, were represented, and on this occasion the OSCE representative, Emmanuel Anquetil of the Conflict Prevention Center, did introduce himself. The South Ossetian de facto representatives objected to the OSCE's presence and said they would not participate if the OSCE came to the next meeting. South Ossetia's threat to pull out if the OSCE shows up again is unproductive and difficult to understand given that the OSCE was named in the Geneva document that established the IPRMs. All sides agreed to defer discussion of procedural issues, such as the

chairmanship of the IPRM, to the next round of Geneva talks.

¶13. (C) Although the meeting lasted nearly five hours, much of the time was spent on seemingly superfluous topics, such as the South Ossetian de facto authorities' objection to the term "administrative boundary line," as opposed to "border." The Russian participants asked about the U.S. Marine Corps program to train a Georgian battalion for service in Afghanistan. The Georgians answered that it was a bilateral issue and not appropriate topic for the IPRM, and the Russians pursued it no further. The Russians also raised the issue of the return of what they consider "absentees" from the Russian military; Colonel Tarasov, commander of South Ossetia, explained that such soldiers are not considered deserters for the first ten days they are missing. The Russians later backed off the issue, however, with the intention of discussing it directly with the Georgians.

¶14. (C) At the previous session, South Ossetian de facto representative Chigoev promised to investigate the August 12 shooting at the Georgian police checkpoint in Dvani, which he admitted originated from the South Ossetian side of the boundary. On September 3, however, Chigoev took on a much less cooperative tone, refusing to admit either that the firing came from the South Ossetian side or even that he had earlier admitted as much. Haber noted that the Georgian side had trumpeted the admission in the press, and he urged all sides to refrain from making public comments about issues still under discussion or investigation.

¶15. (C) Also at the previous session, the sides informally agreed on the wisdom of not detaining, but rather turning

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back local residents who inadvertently stray across the boundary. According to Haber, both sides honored this basic approach for the most part. He noted that the Georgian side, however, had detained two individuals, Mr. Amzoyev and Mr. Khestanov, who were carrying Russian passports. The Georgians claimed the individuals had no documents to indicate residence within South Ossetia; the crossing of the administrative boundary was not the problem, but rather the presence in Georgian without apparent permission to be there. According to Haber, 90 percent of South Ossetian residents have Russian passports, and many have no other documentation, so many individuals potentially fall into this category. Haber said he encouraged a "generous" attitude on these cases on the part of the Georgians. Chigoev, however, threatened "serious consequences" if Amzoyev, who remained in detention at the time of the meeting, remained there more than a week further.

¶16. (C) The group discussed some other detention cases, including two cases involving South Ossetians -- two from August 2008 and three from October 2008 -- and one case involving six Georgians detained August 31, 2009 for allegedly smuggling timber in the Akhalgori area. The South Ossetians have asked EUMM to evaluate a videotape that allegedly shows the three from October 2008 in Georgian custody; the EUMM does not have the technical capacity to evaluate the video, so it asked the Council of Europe to try and evaluate it.

¶17. (C) The EUMM raised the issue of access to churches and other religious sites. Although the group eventually agreed to defer this discussion to a later meeting, Haber thought that all sides were in general receptive to making some kind of arrangement, which to him indicated the influence of the Orthodox Church. The next meeting was set for September 24, although EUMM sources commented that this next meeting would take place only if procedural issues were resolved in Geneva.

¶ 8. (C) EUMM sources report that the latest session of the Abkhazia IPRM on September 8 in Gali included some substantive discussion of significant incidents and issues while avoiding unhelpful posturing. It is unclear, however, whether any real progress was made toward issues of concern. Haber noted that while the atmosphere of the meeting was polite and routine, neither side seemed very interested in being there and acted as though they only attended because they "should." On procedural issues, the group agreed to continue meeting in Gali for now, with the next meeting scheduled for September 22.

¶ 9. (C) The Georgians raised a number of recent incidents involving limitations on freedom of movement across the administrative boundary line, including in particular the blocking of children resident in Gali from traveling across the boundary for Georgian language-based education. The Abkhaz side, led by Ruslan Kishmaria, insisted that there are Georgian-language schools in Abkhazia that students can attend based on Georgian education standards, with the exception of history and geography, which are taught from an Abkhaz perspective. Kishmaria indicated that if Georgian families wanted their children to receive Georgian-based geography and history lessons they should resettle in "Georgia."

¶ 10. (C) The EUMM raised the issue of recent ship seizures on the Black Sea, noting that, while Georgia has legitimate concerns about its territorial integrity, the legal justification for the interdictions is shaky. Abkhaz de facto participants accused the Georgians of escalating tensions with their actions and repeated threats to attack any Georgian ships that enter Abkhaz "territorial" waters, but did not focus on the legal issues. Georgian Interior Ministry Analytical Department Director Shota Utiashvili defended Georgian action on seizing ships and said that suspected criminal activity is one of the main reasons for the seizures. While there was no agreement on the legal implications of these recent incidents, both sides did agree that any incidents with security implications are best avoided.

¶ 11. (C) The Georgians raised an August 28 shooting incident in which they claimed their checkpoints at Darcheli and Pichori-Nakarghali came under fire from the Abkhaz side. Kishmaria indicated that it could have been the work of a local criminal gang, and that there was a similar incident on the Abkhaz side of the boundary as well. The EUMM had

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investigated at the time but was unable to reach a conclusion. The Georgian side also raised the issue of repeated helicopter fly-overs over undisputed Georgian territory, and interestingly, Deputy Commander of the Russian Border Guards in Gali, Colonel Frolov, did not deny such incidents as he had in the past, but noted that he would have to investigate the matter. Frolov then reported 15 incidents of Georgian UAVs observed on the Abkhaz side of the boundary, which Utiashvili denied.

COMMENT

¶ 12. (C) As in the last round of IPRM meetings, there was limited progress achieved resolving specific incidents (ref A). However, for both the South Ossetian and Abkhaz meetings, the fact that the meetings met as scheduled and substantive issues were discussed, even if they were not resolved, was significant. As these meetings become more routine and procedural issues established, the likelihood of the mechanism continuing even if the Geneva talks are discontinued, becomes greater, and the path towards tackling substantive issues will hopefully become more open.

LOGSDON